

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD JANUARY 7, 2014**

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**CALL TO ORDER**

At 7:04 p.m. Mayor Bruno called the meeting to order and stated that adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting will not go substantially past 10:30 p.m.

**ROLL CALL**

Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mayor Bruno answered present. Also present was Township Attorney Joseph Sordillo, Township Administrator Linda Cavanaugh and Deputy Township Clerk Linda Santillo.

**ADMINISTRATION OF OATH OF OFFICE AND PRESENTATION OF CERTIFICATE OF ELECTION – COUNCILMAN PIRONE**

Mayor Bruno administered the Oath of Office to Councilman Pirone and presented him with a Certificate of Election certified by the County Clerk.

**PROCLAMATION – Human Trafficking Awareness Day**

Mayor Bruno read a Proclamation on Human Trafficking Awareness Day into the record. He presented the proclamation to Marlene Sincaglia.

Marlene Sincaglia thanked the Mayor and Township of Berkeley Heights for the proclamation on behalf of the League and NJ Coalition.

**FLAG SALUTE**

Mayor Bruno asked everyone present to stand as he led the Flag Salute.

**APPROVAL OF MINUTES**

Moved by Mr. Pirone to approve the following Township Council minutes, seconded by Mr. Pastore and upon roll call vote:

**Public Meeting – December 17, 2013**

Ayes:	Mr. Delia, Mr. Hall, Mrs. Kingsley and Mr. Pastore
Nays:	None
Abstain:	Mr. Pirone and Mr. Woodruff
Absent:	None

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**TOWNSHIP COUNCIL REPORTS**

Mr. Delia asked for an update on the signs for no parking on the streets during snow removal.

Mr. Bocchino said he is working on this matter and will hopefully have them by the end of the week.

Mr. Delia spoke about the need for two hour parking signs on Springfield Avenue from Station Street on. He said several of the commuters have been parking there and leaving their cars until late evening.

Joseph Sordillo, Township Attorney said in order to put up signs for two hour parking we would have to pass an ordinance first that would restrict the parking in that area.

A lengthy discussion continued on the restricted parking.

Mr. Pastore thanked the Fire Department for inviting the Township Council to their dinner on Saturday. He added Fire Chief Padovano stepped down and Tom Delia is the new Fire Chief.

Mr. Pirone had nothing to report.

Mr. Woodruff thanked the Fire Department for the invitation to their dinner. He noted the congeniality between the surrounding towns and the Fire Department. Mr. Woodruff spoke about a home on Plainfield Avenue that is severe disrepair since there was a fire there a few years ago. Mr. Woodruff went on say it is a major eye sore as well as being dangerous and something should be done with this.

A discussion continued on the home on Plainfield Avenue. There was also a discussion on the Health Officer and Zoning Officer handling these types of situations.

Mrs. Cavanaugh will follow up with the zoning officer and health officer on this matter.

Mr. Hall had nothing to report.

Mrs. Kingsley also attended the Fire Department Dinner and said it was a great event. She also said the Township Council will recognize Tony Padovano at the next Township Council meeting on January 21<sup>st</sup>. Mrs. Kingsley also thanked the Police Department and DPW with their hard work during the last snow storm.

Mrs. Cavanaugh reported Friday the Governor declared a State of Emergency due to the snow storm and town hall offices were closed. She pointed out some employees came in any way to get some work done that needed to be done. Mrs. Cavanaugh said we have the agreement for the Township clock. She is working with the company on it. Mrs. Cavanaugh reported on the tree removal in section five that were marked for removal by the Environmental Commission.

A discussion continued on that tree removal.

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Mrs. Cavanaugh reported we are working on the specs for a Town Planner and she anticipates having that advertised shortly. Mrs. Cavanaugh reported she is also getting some proposals from cleaning companies for the township offices. Mrs. Cavanaugh reported the results of the traffic study should be received shortly. She also said the specs for the generator have been received and we will be advertising shortly. Mrs. Cavanaugh reported an analysis will be done on the poles for hanging the holiday decorations.

Jorge Casacuberta, Assistant Director of Public Works gave the Township Council an update on the progress of the stream cleaning.

A discussion continued on the stream cleaning.

Mrs. Cavanaugh spoke about the numerous calls that were received regarding the missed recycling because of the snow storm. She spoke about using the reverse 911 system to get this type of information out to the residents.

Mayor Bruno spoke about the Township Clock project. He added the clock is finally on order. Mayor Bruno thanked the (4) major donors for their support for the face of the clock. Mayor Bruno also said residents can still get their names on the clock if they would like to. He also said some local contractors have offered to donate their work for this project. Mayor Bruno said he was unable to attend the Fire Department dinner because he was out of state and said the Township Council will honor Tony Padovano at the January 21<sup>st</sup> meeting. Mayor Bruno also went on the talk about the years Tony Padovano has put in with the Fire Department and the OEM. Mayor Bruno also spoke about the old Police Dispatch room and said Chief Mathis has renovated this room and paid for it out of his own funds. Mayor Bruno also spoke about the new Dispatch as well.

Moved by Mrs. Kingsley to accept and approve the Township Council Reports, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and Mr. Woodruff  
Nays: None  
Abstain: None  
Absent: None

**HEARING ON AGENDA ITEMS ONLY**

Moved by Mr. Pastore to open the Hearing on the Agenda Items Only, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and Mr. Woodruff  
Nays: None  
Abstain: None  
Absent: None

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Hearing no voices, moved by Mr. Pastore to close the Hearing on the Agenda Items Only, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and Mr. Woodruff  
Nays: None  
Abstain: None  
Absent: None

**NEW BUSINESS- RESOLUTIONS**

**OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:**

**RESOLUTIONS**

**Mr. Delia introduced the following resolution:**

1. Resolution approving Bill List dated January 7, 2014 in the amount of \$328,875.60.

Moved by Mr. Delia to approve resolution #1, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and Mr. Woodruff  
Nays: None  
Abstain: None  
Absent: None

**Mrs. Kingsley introduced the following resolution:**

2. Resolution consenting to and supporting a Community Garden in Berkeley Heights.

Moved by Mrs. Kingsley to approve resolution #2, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and Mr. Woodruff  
Nays: None  
Abstain: None  
Absent: None

**Mr. Hall introduced the following resolution:**

3. Resolution appropriating \$20,000.00 to Daniel S. Bernstein of Bernstein & Hoffman for attorney fees and litigation costs to defend the Board in the Stop & Shop Supermarket LLC v. Zoning Board of Adjustment.

Moved by Mr. Hall to approve resolution #3, seconded by Mr. Woodruff and carried.

Mr. Woodruff asked Mrs. Cavanaugh for an explanation of what this resolution was for.

Mrs. Cavanaugh responded Stop and Shop appealed the court decision because of an issue with parking. She went on to explain further in more detail.

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A lengthy discussion continued.

Upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and Mr. Woodruff  
Nays: None  
Abstain: None  
Absent: None

**Mr. Woodruff introduced the following resolution:**

4. Resolution authorizing the transfer of Plenary Retail Distribution liquor license to Nickolas T. Agathis from WTA Holding.

Moved by Mr. Woodruff to approve resolution #4, seconded by Mr. Pastore and carried.

Mr. Pirone asked if we know what he intends to use this license for.

Mayor Bruno said this license was used in a small package store on Springfield Avenue but the store was not open all of the time for business.

A discussion continued in length on the liquor license and the transfer.

Joseph Sordillo, Township Attorney explained if the license has not been used much you can consider putting some type of condition on the use of this license when they renew in June.

Upon roll call vote:

Ayes: Mr. Hall, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and Mr. Woodruff  
Nays: Mr. Delia  
Abstain: None  
Absent: None

**CONSENT AGENDA**

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

**Mr. Pastore introduced the following resolution:**

- (5)
  - a. Resolution removing Kyle Weltman, 50 Fern Place, Berkeley Heights, from the active duty roster of the Berkeley Heights Fire Department.

Moved by Mr. Pastore to approve Consent Agenda resolution #5a, seconded by Mrs. Kingsley and upon roll call vote:

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Ayes: Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and Mr. Woodruff  
Nays: None  
Abstain: None  
Absent: None

**CITIZENS HEARING**

Moved by Mr. Hall to open the Citizens Hearing, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and Mr. Woodruff  
Nays: None  
Abstain: None  
Absent: None

Tom Foregger of 14 Dorsett Road said at the last meeting he had asked about the resolution for GRA Architects where the availability of funds indicated capital money was used. He said he received an email response from the CFO Michel Marceau and it doesn't really answer his question. He asked if there is a problem with the resolution.

Joseph Sordillo, Township Attorney after discussion of the details with Mr. Marceau determined there was an error in the resolution regarding the account being used and the resolution will be corrected at the next meeting.

Mr. Foregger asked how can you appropriate money from the 2014 budget when you don't have that budget yet.

Mr. Marceau responded the services will be rendered in 2014. That is the appropriate place to charge it to.

Mr. Foregger continued with his questions.

Mayor Bruno said at the last meeting he commented on the pool budget and said the Community Pool had submitted a capital budget, but he was in error. He said they had indicated they were going to fix pumps and he is trying to reach out to Mr. Barbera to clarify the repairs to be done and whether they are capital repairs. The pool has an obligation to pay for their upgrades if work is not just normal maintenance. He explained further in more details.

Bob McManus spoke about the new gas station in town and said it was a good idea. He spoke about when the plowing of the streets are done and said the handicap corners are being filled with mounds of snow.

Mr. Woodruff said he saw the DPW trying to remedy this situation last weekend. He added maybe they didn't get to all of the corners yet.

Mr. McManus went on with his comments regarding the snow plowing. Mr. McManus also spoke about the clearing of snow from the fire hydrants as well.

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A discussion continued.

John Sincaglia of Robbins Avenue spoke about the stream cleaning. He commended the work that was done with the stream cleaning. Mr. Sincaglia spoke about the debris in the river and asked what could be done with that.

Mayor Bruno said he has met with the NJDEP representatives with regard to the river. He said the river is a county and state matter. He added we are attempting to receive grant money through the NJDEP along with other municipalities to help with it.

A lengthy discussion continued on the grant money through the NJDEP for the cleaning of the river.

Mr. Sincaglia said he was told our building sub-code official has resigned and he asked if there is a replacement yet.

Mayor Bruno responded to Mr. Sincaglia's question and said one sub-code official has resigned but we have other inspectors as well.

Hearing no voices, moved by Mr. Hall to close the Citizens Hearing, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and Mr. Woodruff  
Nays: None  
Abstain: None  
Absent: None

**ADJOURNMENT**

Moved by Mr. Pirone to adjourn, seconded by Mr. Hall and upon roll call vote:  
**(8:18 p.m.)**

Ayes: Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and Mr. Woodruff  
Nays: None  
Abstain: None  
Absent: None

**Approved: March 11, 2014**